

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO February 11 2003
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BEFORE THE
PHYSICIAN ASSISTANT COMMITTEE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1E-2001-124541

TIMOTHY ALAN FREEMAN, PA
13137 Cedar Street
Westminster, CA 92683

ACCUSATION

Physician Assistant License No. PA 10991

Respondent.

Complainant alleges:

PARTIES

1. Richard L. Wallinder, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physician Assistant Committee, Department of Consumer Affairs.

2. On or about July 29, 1981, the Physician Assistant Committee issued Physician Assistant License Number PA 10991 to Timothy Alan Freeman, PA (Respondent). The Physician Assistant License expired on February 29, 2000, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee (Committee) for the Medical Board of California, Department of Consumer Affairs under the

1 authority of the below mentioned statutes and regulations.¹

2 4. Section 3527 of the Code states, in pertinent part:

3 “(a) The [Physician Assistant] committee may order the denial of an application
4 for, or the issuance subject to terms and conditions of, or the suspension or revocation of, or the
5 imposition of probationary conditions upon a physician assistant license after a hearing as
6 required in [Code] Section 3528 for unprofessional conduct which includes, but is not limited to,
7 a violation of this chapter, a violation of the Medical Practices Act, or a violation of the
8 regulations adopted by the committee or the board.”²

9 “. . .”

10 5. Section 3531 of the Code states:

11 “A plea or verdict of guilty or a conviction following a plea of nolo contendere
12 made to a charge of a felony or of any offense which is substantially related to the qualifications,
13 functions, or duties of the business or profession to which the licensee was issued is deemed to
14 be a conviction within the meaning of this chapter. The committee may order the license
15 suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or
16 the judgment of conviction has been affirmed on appeal or when an order granting probation is
17 made suspending the imposition of sentence, irrespective of a subsequent order under the
18 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
19 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the
20 accusation, information, or indictment.”

21 6. Section 820 of the Code states:

22 “Whenever it appears that any person holding a license, certificate or permit under
23 this division or under any initiative act referred to in this division may be unable to practice his
24 or her profession safely because the licentiate's ability to practice is impaired due to mental

25
26 1. All statutory references are to the Business and Professions Code (Code) unless
otherwise indicated.

27 2. The reference to “this chapter” refers to the Physician Assistant Practice Act, which is
28 comprised by sections 3500 through 3546 of the Code.

1 illness, or physical illness affecting competency, the licensing agency may order the licentiate to
2 be examined by one or more physicians and surgeons or psychologists designated by the agency.
3 The report of the examiners shall be made available to the licentiate and may be received as
4 direct evidence in proceedings conducted pursuant to Section 822.”

5 7. Section 821 of the Code provides that the licentiate’s failure to comply
6 with an order issued under Section 820 shall constitute grounds for the suspension or revocation
7 of the licentiate’s certificate or license.

8 8. Section 125.3 of the Code provides, in pertinent part, that the Division
9 may request the administrative law judge to direct a licentiate found to have committed a
10 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
11 investigation and enforcement of the case.

12 9. Section 118, subsection (b), of the Code states:

13 “The suspension, expiration, or forfeiture by operation of law of a license issued
14 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board
15 or by order of a court of law, or its surrender without the written consent of the board, shall not,
16 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
17 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
18 ground provided by law or to enter an order suspending or revoking the license or otherwise
19 taking disciplinary action against the licensee on any such ground.”

20 FIRST CAUSE FOR DISCIPLINE

21 (Criminal Conviction)

22 10. Respondent is subject to disciplinary action under section 3531 of the
23 Code in that he was convicted of a felony offense and a misdemeanor offense, both of which are
24 substantially related to the qualifications, functions, or duties of a physician’s assistant. The
25 circumstances are as follows:

26 11. On or about June 28, 2001, following a jury trial in the case entitled *The*
27 *People of the State of California v. Timothy Alan Freeman*, Orange County Superior Court case
28 no. 00WF1743FA, Respondent was found guilty of one count of violating Penal Code section

1 597, subsection (a) (cruelty to animals, a felony), and one count of violating Penal Code section
2 148, subsection (a) (resisting, delaying or obstructing a peace officer, a misdemeanor). On or
3 about August 3, 2001, Respondent was sentenced to three years formal probation, which
4 included the following terms and conditions: serve one hundred twenty days in Orange County
5 jail; pay a \$300 state restitution fine; cooperate with probation officer in a plan for psychiatric,
6 psychological treatment, etc.; attend and complete an anger management program; possess no
7 animals/pets.

8 12. The facts and circumstances surrounding the above-referenced convictions
9 pertain to an incident that occurred on August 7, 2000, at Respondent's residence in
10 Westminster, California. According to two of Respondent's neighbors who provided eyewitness
11 accounts, Respondent was seen repeatedly holding a black kitten underwater in a plastic portable
12 pool located in Respondent's backyard for up to fifteen seconds at a time, then slapping the
13 kitten as many as twenty times in the head area. Respondent was also seen repeatedly throwing
14 the same kitten approximately ten feet into a cedar block wall. Respondent was overheard
15 screaming at the kitten and saying things such as "Do you like this?" and "Now what do you
16 want to do?" The incident, which lasted approximately two hours, was reported to the
17 Westminster Police Department, and two police officers responded by visiting Respondent's
18 home to investigate. When they arrived, they observed Respondent to be in an angry, agitated
19 state. When asked by police where the injured black kitten was located, Respondent said he
20 didn't know and refused to allow them to search his home and property. As a result, the officers
21 were required to obtain a search warrant and did so. Returning later the same afternoon to
22 execute the warrant, the police searched Respondent's home. During the search, officers located
23 the injured kitten, which was near death, hidden in a bedroom cabinet. Respondent was placed
24 under arrest for cruelty to animals and obstructing a peace officer.

25 SECOND CAUSE FOR DISCIPLINE

26 (Failure to Comply With Order of Examination)

27 13. Respondent is subject to disciplinary action under section 821 of the Code
28 in that he failed to comply with an order of the Committee compelling a mental and physical

1 examination pursuant to section 820 of the Code. The circumstances are as follows:

2 14. During their contact with Respondent relative to the incident which
3 led to Respondent's conviction, police noted certain bizarre behavior on Respondent's part.
4 Although Respondent was read his Miranda rights repeatedly, he still did not seem to understand
5 them. He also told police, "The Penal Code does not exist and neither does the State of
6 California. Therefore, you could not have a claim against me." Furthermore, following his
7 conviction and against the advice of his attorney, Respondent read a statement in court in which
8 he accused the judge presiding over his criminal case of "treason" for sentencing him. In
9 addition, during the Committee's investigation of the above-referenced convictions, Respondent
10 served on the Committee, the Office of the Attorney General, and the Medical Board investigator
11 handling the case a notarized document called a "Notarial Protest" which has no factual or legal
12 bearing on the pending matter against Respondent and instead attempts to cast the matter as one
13 involving banking instruments, secured lenders, and the Uniform Commercial Code, which
14 governs secured financial transactions in California. Respondent subsequently served on the
15 same parties several similarly bizarre, notarized "protests."

16 15. Based upon the above-detailed indications of bizarre and/or incoherent
17 behavior exhibited by Respondent, the Committee obtained the expert opinion of a medical
18 expert, who opined that Respondent may be mentally ill and a danger to the public. As a result,
19 on October 4, 2002, the Committee made and served on Respondent an Order Compelling a
20 Mental and Physical Examination pursuant to Business and Professions Code section 820. The
21 Order directed Respondent to comply with the examinations within thirty days from the date of
22 service of the order, which was also October 4, 2002. To date, Respondent has not complied with
23 the Committee's Order.

24 DISCIPLINE CONSIDERATIONS

25 16. To determine the degree of discipline, if any, to be imposed on
26 Respondent, Complainant alleges that on or about July 2, 1984, in a prior disciplinary action
27 entitled *in the Matter of the Accusation Against Timothy Freeman, P.A.*, before the Physician's
28 Assistant Examining Committee of California, in Case Number D-3152, Respondent's license


1 was revoked; however, the revocation was stayed and Respondent was placed on probation for
2 three years with various terms and conditions of probation imposed. That decision is now final
3 and is incorporated by reference as if fully set forth.

4
5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Physician Assistant Committee issue a decision:

- 8 1. Revoking or suspending Physician Assistant License Number PA 10991,
9 issued to Timothy Alan Freeman, PA;
10 2. Revoking, suspending or denying approval of Timothy Alan Freeman,
11 PA's authority to supervise physician's assistants, pursuant to section 3527 of the Code;
12 3. Ordering Timothy Alan Freeman, PA to pay the Physician Assistant
13 Committee the reasonable costs of the investigation and enforcement of this case, and, if placed
14 on probation, the costs of probation monitoring; and
15 4. Taking such other and further action as deemed necessary and proper.

16 DATED: February 11, 2003

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18 
19 RICHARD L. WALLINDER, JR.
20 Executive Officer
21 Physician Assistant Committee
22 Department of Consumer Affairs
23 State of California
24 Complainant

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